

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

**Order of Restitution**

v.

BRIAN O'NEILL

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22 Cr. 57 (VEC)

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Maggie Lynaugh, Assistant United States Attorney, of counsel; the presentence investigation report; the defendant's conviction on Counts One and Two of the Indictment; and all other proceedings in this case, it is hereby ORDERED that:

**1. Amount of Restitution**

BRIAN O'NEILL, the defendant, shall pay restitution in the total amount of \$9,397,545.01, pursuant to 18 U.S.C. § 3663 and 18 U.S.C. § 3663A, to the victims of the offenses charged in Counts One and Two. As is set forth in the Schedule of Victims, attached hereto as Schedule A, \$5,726,851.91 shall be paid to Medequa LLC; the party to receive the remaining \$3,670,693.10 ("Victim-1") shall be determined at a later date based on the outcome of the litigation captioned *Medequa LLC v. O'Neill & Partners LLP*, 21 Cv. 6135 (AKH) (the "Civil Litigation"). Upon the conclusion of the Civil Litigation, the Government shall inform the Court of the outcome of the case along with a proposed order updating the Schedule of Victims.

Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of Court is authorized to send payments to the new address without further order of this Court.

Pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid. Restitution shall be paid to the victims identified in the Schedule of Victims, attached hereto as Schedule A, on a pro rata basis, whereby each payment shall be distributed proportionally to each victim based upon the amount of loss for each victim, as set forth more fully in Schedule A. Until the identity of Victim-1 is determined, the Clerk of Court shall hold, for later disbursement, Victim-1's *pro rata* share of any restitution payments received by the Court. This Order is in no way intended to impact the outcome of or take a position with respect to the Civil Litigation.

**2. Schedule of Payments**

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the defendant; and any financial obligations of the defendant; including obligations to dependents, the defendant shall pay restitution in the manner and according to the schedule that follows:

In the interest of justice, restitution will be payable in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2). While serving the term of imprisonment, the defendant shall make installment payments toward restitution and may do so through the Bureau of Prisons' (BOP) Inmate Financial Responsibility Plan (IFRP). Any unpaid amount remaining upon release from prison will be paid in installments of least ten percent of the defendant's gross income on the first of each month. This schedule is without prejudice to the Government taking enforcement actions, pursuant to 18 U.S.C. § 3613, to the extent warranted.

**3. Payment Instructions**

The defendant shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at

<https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money orders shall be made payable to the "SDNY Clerk of Court" and mailed or delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendant shall write his/her name and the docket number of this case on each check or money order.

**4. Change in Circumstances**

The defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant's name, residence, or mailing address or (2) any material change in the defendant's financial resources that affects the defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

The defendant shall pay interest on any restitution amount of more than \$2,500.00, unless restitution is paid in full before the fifteenth day after the date of the judgment, in accordance with 18 U.S.C. § 3612(f)(1).

**5. Term of Liability**

The defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the defendant, the defendant's estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

SO ORDERED:

  
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HONORABLE VALERIE E. CAPRONI  
UNITED STATES DISTRICT JUDGE

5/17/23  
DATE